

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MARI LINN LACOVARA and ANDREW
LACOVARA, h/w,

Civil No. 14-1953 (AMD)

Plaintiffs,

v.

BIG LOTS STORES, INC., et al.,

Defendants.

AMENDED SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel during the telephone status conference on May 29, 2015; and the Court noting the following appearances: Paul R. D'Amato, Esquire, and Dominic A. Speziali, Esquire, appearing on behalf of the Plaintiffs; John Angeloni, Esquire, appearing on behalf of the Defendant Big Lots Stores, Inc.; and Eric K. Blumenfeld, Esquire, appearing on behalf of Defendant Bureau Veritas Consumer Products Services, Inc.; and for good cause shown:

IT IS on this **29th** day of **May 2015**, hereby **ORDERED**:

1. The Court shall conduct a telephone status conference on **August 6, 2015 at 11:00 A.M.**. Counsel for plaintiffs shall initiate the telephone call.

2. Pretrial factual discovery is hereby extended to **August 31, 2015**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

3. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993).

4. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of plaintiffs shall be served upon counsel for defendant not later than **October 15, 2015**. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of defendant shall be served upon counsel for plaintiffs not later than **November 16, 2015**. Each such report should be accompanied by the *curriculum vitae* of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be conducted by no later than **December 30, 2015**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of FED. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. Evid. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

5. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **January 22, 2016**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

6. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER
MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P.
16(f).

s/ Ann Marie Donio
ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE